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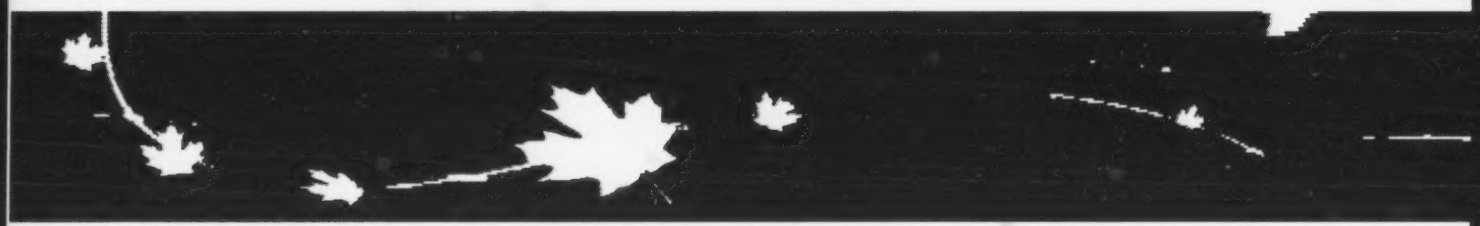
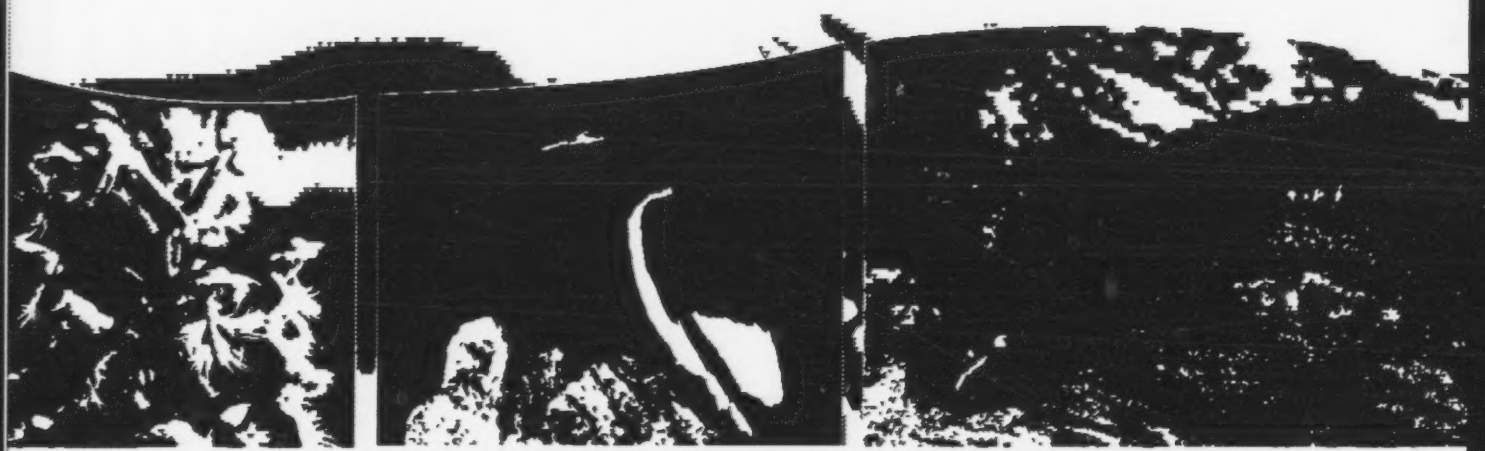


Species at Risk Act

Annual Report for 2008



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Species at Risk Act

Annual Report for 2008

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1 INTRODUCTION

1.1 Purpose of Annual Report

The *Species at Risk Act* (SARA) received Royal Assent on December 12, 2002, and came fully into force on June 1, 2004.

This report provides a summary of SARA-related activities carried out in 2008. The report fulfils the Minister of the Environment's obligation, under section 126 of the Act, to prepare an annual report on the administration of SARA for each calendar year. The Act requires that the report include a summary addressing the following matters:

(a) the assessments of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Minister's response to each of them;
(b) the preparation and implementation of recovery strategies, action plans and management plans;
(c) all agreements made under sections 10 to 13;
(d) all agreements made and permits issued under section 73, and all agreements and permits amended under section 75 or exempted under section 76;
(e) enforcement and compliance actions taken, including the response to any requests for investigation;
(f) regulations and emergency orders made under SARA; and
(g) any other matters that the Minister considers relevant.

This introductory section outlines the purposes of SARA and the responsibilities of federal departments and agencies under the Act. Subsequent sections describe the following activities under SARA:

- the List of Wildlife Species at Risk;
- measures to protect listed species;
- species recovery measures;
- consultation and cooperation;
- research funding and public engagement;
- compliance and enforcement; and
- the Species at Risk Public Registry.

1.2 Purposes of SARA

SARA is an important tool for conserving and protecting Canada's biological diversity. The purpose of the Act is to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened.

The Act establishes a process for conducting scientific assessments of the population status of individual species and a mechanism for listing extirpated, endangered, threatened and special concern species. SARA also includes provisions for the protection of individuals of listed wildlife species and of their critical habitats and residences.

SARA complements existing legislation and supports domestic implementation of certain international conventions, including

- the *Canadian Environmental Assessment Act*;
- the *Canada Wildlife Act*;
- the *Migratory Birds Convention Act, 1994*;
- the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*;
- the *Fisheries Act*;
- the *Oceans Act*;
- the *Canada National Parks Act*;
- the *Canada National Marine Conservation Areas Act*;
- the *Saguenay-St. Lawrence Marine Park Act*;

- the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*; and
- the *Convention on Biological Diversity*.

1.3 Responsibilities under SARA

Three government organizations share responsibility for the implementation of SARA:

- The Parks Canada Agency oversees matters concerning individuals of species found in or on federal lands it administers.
- Fisheries and Oceans Canada oversees matters concerning aquatic species when individuals of these species are found outside Parks Canada Agency waters.
- Environment Canada oversees matters concerning all other species, including migratory birds, and is responsible for the administration of the Act.

The ministers responsible for these government organizations are referred to as the "competent ministers" under SARA (the Minister of the Environment is the minister responsible for both Environment Canada and the Parks Canada Agency).

Competent ministers have the authority to make many of the decisions in their respective areas of responsibility, including ministerial protection orders and some of the recommendations for orders that are made to the Governor in Council.

The Minister of the Environment is the minister responsible for the administration of SARA, including the List of Wildlife Species at Risk. The Minister of the Environment is required to consult with the other competent ministers as necessary on matters related to SARA administration. Orders in Council to list species under SARA are made by the Governor in Council on the recommendation of the Minister of the Environment.

2 THE LIST OF WILDLIFE SPECIES AT RISK

2.1 Background

SARA establishes a process for conducting scientific assessments of the conservation status of individual species. The Governor in Council determines which of the species that have been assessed as being at risk will be added to SARA's Schedule 1, which contains the List of Wildlife Species at Risk identifying species as being extirpated, endangered, threatened and of special concern. The Act separates the scientific assessment process from the listing decision, ensuring that scientists can provide fully independent assessments and that decisions affecting Canadians are made by elected officials who can be held accountable for those decisions.

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is the committee of experts that identifies and assesses wild species at risk in Canada. The Committee assesses the conservation status of a species using the best available scientific, Aboriginal and community knowledge. The assessment process is independent. COSEWIC provides assessments and supporting evidence annually to the Minister of the Environment. It assesses species as extinct, extirpated, endangered, threatened, of special concern, data-deficient or not at risk. An extirpated species no longer exists in the wild in Canada but exists elsewhere in the world. An endangered species faces imminent extirpation or extinction. A threatened species is likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction. A species of special concern may become threatened or endangered because of a combination of biological characteristics and identified threats. Further details on risk categories and more information on COSEWIC are available at www.cosewic.gc.ca.

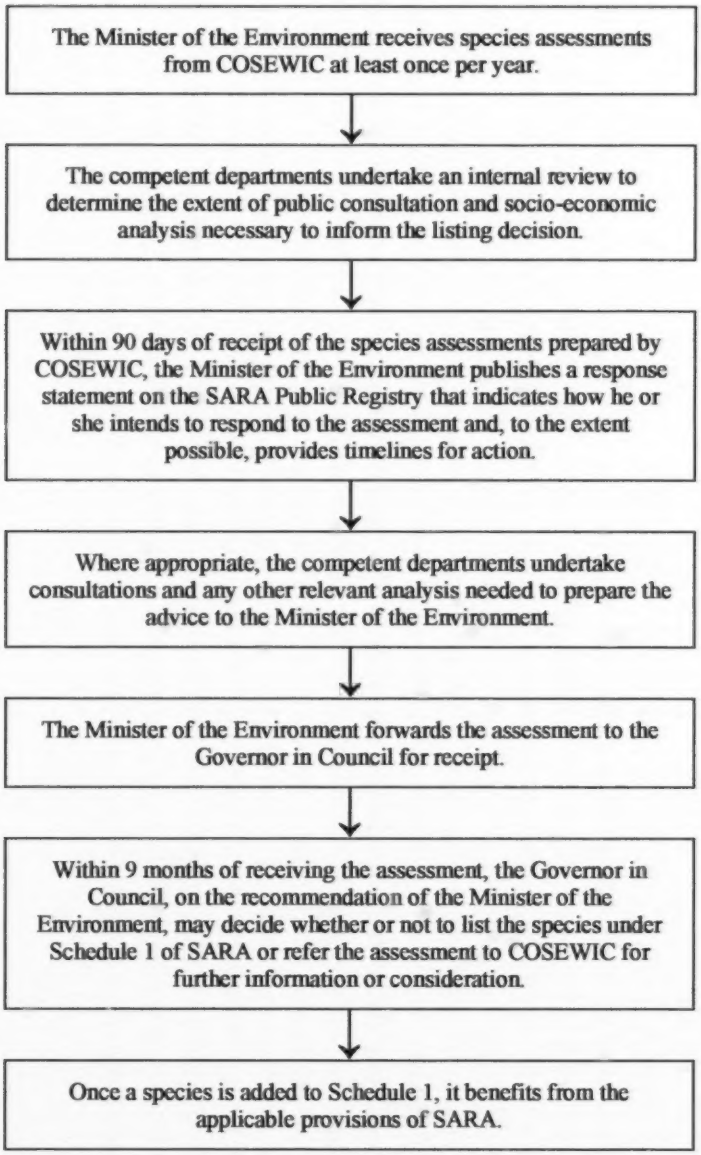
Upon receiving COSEWIC's assessments, the Minister of the Environment has 90 days to post a report on the Species at Risk Public Registry that indicates how she or he intends to respond to each assessment and provides timelines for action, to the extent possible. Public consultations on species eligible for listing are then launched.

Following the posting of the responses the Minister prepares a recommendation to the Governor in Council on whether or not to add the species to Schedule 1 of SARA. When making a recommendation to the Governor in Council, the Minister of the Environment cannot vary the status of a species as assessed by COSEWIC. As required by the Cabinet Directive on Streamlining Regulation, the Minister will conduct public consultations and socio-economic analysis and consider the results prior to making a recommendation. Under s. 27 of SARA, the Governor in Council has the authority, on the recommendation of the Minister of the Environment and consistent with the status assessment by COSEWIC, to add or not add a species to Schedule 1 of SARA, to remove a species from Schedule 1 of SARA, or to change the status designation of a species already on Schedule 1. The Governor in Council also has the authority to refer the assessment back to COSEWIC.

Species that were designated as being at risk by COSEWIC prior to October 1999 were listed under schedules 2 and 3. These species are being reassessed using revised criteria, following which the Governor in Council may, on the recommendation of the Minister, add the species to Schedule 1. As of the end of 2008, all Schedule 2 species had been reassessed by COSEWIC and there were 16 Schedule 3 species remaining to be assessed.

The chart shown in Figure 1 further describes the species listing process. Table 1 (see Section 2.5) summarizes the stage of the listing process for species under assessment at the end of December 2008 and gives projected dates for next steps.

Figure 1: The Species Listing Process under SARA


The Minister of the Environment receives species assessments from COSEWIC at least once per year.
The competent departments undertake an internal review to determine the extent of public consultation and socio-economic analysis necessary to inform the listing decision.
Within 90 days of receipt of the species assessments prepared by COSEWIC, the Minister of the Environment publishes a response statement on the SARA Public Registry that indicates how he or she intends to respond to the assessment and, to the extent possible, provides timelines for action.
Where appropriate, the competent departments undertake consultations and any other relevant analysis needed to prepare the advice to the Minister of the Environment.
The Minister of the Environment forwards the assessment to the Governor in Council for receipt.
Within 9 months of receiving the assessment, the Governor in Council, on the recommendation of the Minister of the Environment, may decide whether or not to list the species under Schedule 1 of SARA or refer the assessment to COSEWIC for further information or consideration.
Once a species is added to Schedule 1, it benefits from the applicable provisions of SARA.

2.2 COSEWIC Assessments

2.2.1 Supporting COSEWIC Assessments

COSEWIC includes members from government, academia, Aboriginal organizations, non-governmental organizations and the private sector. Federal government support of COSEWIC and its assessments is provided by Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency.

The Parks Canada Agency conducts numerous species-at-risk inventories, which clarify the conservation status of many species occurring on Agency lands and provide useful information to COSEWIC assessments. Inventories are essential for improving knowledge of biodiversity and to document the presence, location and status of species at risk in national protected heritage areas. Findings from these inventories can inform status assessments, recovery planning and critical habitat identification for many species at risk. In 2008, the Parks Canada Agency conducted 16 inventories and surveys of COSEWIC-designated species on priority sites across the country and completed 638 detailed assessments covering 229 species. Also, Parks Canada Agency scientists have been regularly involved in the peer review of COSEWIC status reports, especially for species with significant populations in national parks and national historic sites, such as the polar bear, the Sage Grouse and the killer whale.

Fisheries and Oceans Canada leads a peer-review process for aquatic species when there are multiple sources of data and the data warrant a review prior to submission to COSEWIC. The peer review process includes government scientists as well as experts from universities and industry. In 2008, Fisheries and Oceans Canada conducted pre-COSEWIC peer reviews for the basking shark, the darkblotched rockfish, the yellowmouth rockfish, the wavyrayed lampmussel, the Dolly Varden, the Atlantic cod, and the barndoor skate.

Environment Canada leads federal–provincial/territorial work to produce a report called the *General Status of Species in Canada* every five years. The second report in the *Wild Species* series (2005) presents general status assessments for a total of 7732 species from all provinces, territories and ocean regions, representing all of Canada's vertebrates species (fishes, amphibians, reptiles, birds and mammals), all of Canada's vascular plants, and four invertebrate groups (freshwater mussels, crayfishes, odonates and tiger beetles). The *Wild Species* reports have greatly increased the number and variety of species assessed nationally, but with the total number of species in Canada estimated at more than 70 000, there are still many species left to be assessed. COSEWIC uses the general status ranks outlined in the *Wild Species* series to help prioritize species for detailed status assessments. The *Wild Species* reports can be found at www.wildspecies.ca/rpts.cfm?lang=e.

Environment Canada also provides input into the COSEWIC process via representation on COSEWIC and conducts population surveys on some species of interest to COSEWIC. In keeping with section 20 of SARA, Environment Canada provides COSEWIC with professional, technical, secretarial, clerical and other assistance that is necessary to carry out its functions via a COSEWIC Secretariat housed within Environment Canada. Environment Canada scientists have been regularly involved in the peer review of COSEWIC status reports, especially for terrestrial species with significant populations in national wildlife areas and migratory bird sanctuaries.

2.2.2 COSEWIC Subcommittee on Aboriginal Traditional Knowledge

SARA requires that COSEWIC assess the conservation status of species on the basis of the best available information, including scientific knowledge, community knowledge and Aboriginal traditional knowledge, and that COSEWIC establish a supporting subcommittee on Aboriginal Traditional Knowledge.

Ten Aboriginal representatives participated in a face-to-face meeting and six teleconferences with the Aboriginal Traditional Knowledge Subcommittee co-chairs. The representatives were proposed for nomination by the Assembly of First Nations, the Métis National Council, the Native Women's Association of Canada, the Congress of Aboriginal Peoples and the Inuit Tapiriit Kanatami. Activities of the Subcommittee included

- participation in an Elders' workshop in 2008 to review the Subcommittee's draft process and protocol guidelines for including Aboriginal traditional knowledge in COSEWIC species assessments;
- participation of selected members on COSEWIC species specialists' subcommittees; and
- co-chair participation at two wildlife species assessment meetings.

2.2.3 *Species Assessments*

COSEWIC conducted the following species assessments, grouped in batches, between 2002 and 2008:

- Batch 1: 115 species in May 2002, November 2002 and May 2003;
- Batch 2: 59 species in November 2003 and May 2004;
- Batch 3: 73 species in November 2004 and May 2005;
- Batch 4: 68 species in April 2006;
- Batch 5: 64 species in November 2006 and April 2007; and
- Batch 6: 46 species in November 2007 and April 2008.

Details on batches 1 through 5 can be found in Table 1 (see Section 2.5) and in previous SARA annual reports at www.sararegistry.gc.ca /approach/act/sara_annual_e.cfm.

Batch 6

At the November 2007 and April 2008 meetings, COSEWIC assessed a total of 46 species (Batch 6).

- Two species were examined and found to be data-deficient.
- Five were assessed as not at risk.
- Thirty-nine were assessed as at risk, of which 14 were confirmed at the classification already attributed to them on Schedule 1.

COSEWIC forwarded the assessments for 25 of the species classified as extirpated, endangered, threatened and of special concern to the Minister of Environment in August 2008 for consideration as to whether to recommend to the Governor in Council that they be added to Schedule 1 of the *Species at Risk Act*.

2.3 Federal Government Response to COSEWIC Assessments

Batch 6

In August 2008, the Minister received from COSEWIC the assessments for 25 species at risk that are eligible for addition or amendment of their status on Schedule 1. In November 2008, the Minister posted response statements for these 25 species. The response statements indicated that

- for 20 species, normal consultations (i.e., consistent with the consultation path that is typical for most species—see Figure 1) would be undertaken. These included 19 terrestrial species and one aquatic species. Four of these 20 already have status on Schedule 1 as threatened, but would now be considered for having their status of risk raised ("up-listed") to endangered; and
- for five species, extended public consultations would be undertaken due to elevated potential impacts on the activities of Aboriginal peoples, commercial and recreational fishers, or Canadians at large. Of these five eligible species undergoing extended consultations, three are aquatic and two are terrestrial (including the polar bear as discussed further).

The Minister also posted 14 response statements for species already listed, for which COSEWIC had confirmed the risk classification already attributed to them on Schedule 1. For these 14 species, no further regulatory measures are required.

2.4 Public Consultations

In November 2008, the Minister of the Environment launched consultations on whether to add or modify 19 terrestrial species to Schedule 1. Fifteen of these species were eligible for addition to Schedule 1 and four were eligible to have their status on Schedule 1 of SARA raised. The document entitled *Consultation on Amending the List of Species under the* Species at Risk Act*: January 2009* was posted on the Species at Risk Public Registry to facilitate consultations. The government distributed approximately 1000 copies of the document to targeted stakeholders, including provincial and territorial governments, wildlife management boards, Aboriginal communities and other stakeholders and affected parties. This document is available at www.sararegistry.gc.ca/document/dspHTML_e.cfm?ocid=7220. Meetings were also held with interested or potentially affected individuals and organizations, including numerous community-led meetings with Aboriginal people regarding the polar bear.

In 2008, Environment Canada completed consultations for the three Batch 4 terrestrial species undergoing extended consultations and the 16 Batch 5 terrestrial species undergoing normal consultations.

In 2008, Fisheries and Oceans Canada undertook consultations on 24 aquatic species. Public consultations were facilitated through workbooks and other supporting documents posted on the Species at Risk Public Registry and the Fisheries and Oceans Canada website. Consultation documents and workbooks were mailed directly to other government departments, stakeholders, Aboriginal peoples and non-governmental organizations. Meetings were also held with interested or potentially affected individuals and organizations.

In 2008, the Parks Canada Agency continued to work with Environment Canada and Fisheries and Oceans Canada in ensuring that all stakeholders were consulted and that the duplication of consultation efforts was avoided.

2.5 Listing Decisions

When deciding whether or not to list a species on Schedule 1 of SARA, the Government of Canada relies on the scientific assessments provided by COSEWIC, any other relevant scientific information, an assessment of the costs and benefits to Canadians, and comments received through consultations with other levels of government, Aboriginal peoples, wildlife management boards, stakeholders and the public. Governor in Council decisions are published as orders amending Schedule 1 of SARA in the *Canada Gazette*, and include regulatory impact analysis statements and explanatory notes if a species is not added to Schedule 1 of SARA or is referred to COSEWIC. The orders are also published on the SARA Public Registry.

No listing decisions were made with respect to Schedule 1 of SARA during 2008.

In June 2008, 30 species assessments were received by the Governor in Council, thus beginning the nine-month decision-making process. These assessments included

- 23 species from Batch 5 that underwent normal consultations;
- five species from Batch 4 that underwent extended consultations;
- one species from Batch 3 that underwent extended consultations; and
- one terrestrial species that was originally received by the Minister in Batch 3, August 2005. This species had been referred to COSEWIC for reassessment in 2006. However, COSEWIC did not reassess, citing that there was no new information provided that would likely lead to a change in the status of this species.

Table 1: Summary Status of the Listing Process for Species in Batches 1 to 6 at Year-end 2008

Batch	COSEWIC assessments: Date assessed	No. of species assessed	No. assessed as "Species at Risk"	Minister receipt	Consultation process	Governor in Council: Receipt	Proposed listing decision (GIC)*	Final listing decision (GIC)*	Listing decision: Listed	Up-listed†	Down-listed†	Not listed	Referred
Schedule 1 at proclamation	–	–	233	–	–		–		233				
Batch 1	May 2002, Nov 2002, May 2003	115	91 new assessments 95 4 confirmations††	Jan 2004 –	79 normal 12 extended –	Apr 2004 July 2005 –	Oct 2004 Dec 2005 –	Jan 2005 July 2005 Apr 2006 –	73 2			5‡ 4 –	1 1 6
Batch 2	Nov 2003, May 2004	59	51 new assessments	July 2004	44 normal 7 extended	Oct 2004 Nov 2005	May 2005 June 2006	July 2005 Aug 2006	39 4§			4 8§	1
Batch 3	Nov 2004, May 2005	73	55 new assessments 59 4 confirmations††	Aug 2005 –	39 normal 16 extended: 6 received by Governor in Council 16 extended: 1 received by Governor in Council 16 extended: 9 remained under extended consultation –	Nov 2005 Apr 2007 June 2008 [2009] –	June 2006 July 2007 [2009] [2009] –	Aug 2006 Dec 2007 [2009] [2009] –	38 4			2 –	1
Batch 4	Apr 2006	68	50 new assessments 54 4 confirmations††	Aug 2006 –	34 normal 16 extended: 5 received by Governor in Council 16 extended: 10 remained under extended consultation –	Apr 2007 June 2008 [2009] –	July 2007 [2009] [2009] –	Dec 2007 [2009] [2009] –	32	1		–	1
		other listing processes	1 emergency assessment 5 assessment re-submissions**	Apr 2006 Dec 2006	– 1 normal 4 normal	– June 2008 [2010]	– [2009] [2010]	May 2007 [2009] [2010]				1	
Batch 5	Nov 2006, Apr 2007	64	45 new assessments 53 8 confirmations††	Aug 2007 –	23 normal 22 extended –	June 2008 [2009] –	[2009] [2009] –	[2009] [2009] –				–	
Batch 6	Nov 2007, Apr 2008	46	25 new assessments 39 14 confirmations††	Aug 2008 –	20 normal 5 extended –	[2009] [2010] –	[2009] [2010] –	[2009] [2010] –				–	

* *Canada Gazette*, Part I/II

† Change of the status of a species listed on Schedule 1 to a higher or lower category of risk

‡ Includes the polar bear (referred to COSEWIC in July 2005 after a decision not to list was made in January 2005)

§ COSEWIC assessed white sturgeon as a single species but, for the recommendation to Governor in Council, Fisheries and Oceans Canada subdivided this population into six populations. Out of the six populations, four were listed and two were not.

** The Governor in Council had referred species back to COSEWIC for reassessment. In late 2006, COSEWIC found that no reassessment was required for five of these species and so re-submitted the original assessments to the Minister.

†† Species on Schedule 1 for which COSEWIC has received/reassessed the status and for which no regulatory change is indicated.

2.6 Schedule 1: List of Wildlife Species at Risk

When SARA was proclaimed in June 2003, the official List of Wildlife Species at Risk (Schedule 1 of SARA) included 233 species. In 2005, 112 species were added to the original list. In 2006 and 2007, 44 and 36 more species respectively were added. No species were added to or removed from Schedule 1 in 2008. Tables 2 and 3 show the number of species listed on Schedule 1, by risk status and by government agency, as of the end of the 2008 calendar year.

Table 2: Numbers of Species Listed on Schedule 1 by Risk Status, as of December 2008

Year added	Risk status				Total
	Extirpated	Endangered	Threatened	Special Concern	
June 2003 (Proclamation)	17	105	68	43	233
2005	4	47	30	31	112
2006	0	18	14	12	44
2007	0	20	5	11	36
2008	0	0	0	0	0
TOTAL	**21**	**190**	**117**	**97**	**425**

Table 3: Number of Species Listed on Schedule 1 by Responsible Agency, as of December 2008

	Environment Canada	Fisheries and Oceans Canada	Parks Canada Agency	Total
Terrestrial mammals	21	–	4	26
Aquatic mammals	–	21	–	21
Birds	52	–	3	55
Reptiles	26	1	5	32
Amphibians	18	–	1	19
Fishes	–	49	–	49
Molluscs	4	14	2	20
Arthropods	21	–	4	25
Plants	116	–	43	159
Lichens	5	–	1	6
Mosses	9	–	4	13
TOTAL	**272**	**85**	**67**	**425**

3 MEASURES TO PROTECT LISTED SPECIES

3.1 Background

The protections that come into effect following the addition of a species to Schedule 1 of SARA vary depending on the type of species, the risk category in which the species is listed, and the species' location in Canada.

Sections 32 and 33 of SARA make it an offence to

- kill, harm, harass, capture or take an individual of a species that is listed as extirpated, endangered or threatened;
- possess, collect, buy, sell or trade an individual of a species that is listed as extirpated, endangered or threatened, or any of its parts or derivatives; or
- damage or destroy the residence of one or more individuals of a species that is listed as endangered or threatened, or of a species listed as extirpated if a recovery strategy has recommended its reintroduction into the wild in Canada.

These prohibitions apply automatically to listed aquatic species and birds covered by the *Migratory Birds Convention Act, 1994* wherever they are found in Canada, and to other species listed under SARA as endangered, threatened or extirpated, when they occur on federal lands[1].

For species other than those in the situations described above, provinces and territories are given the first opportunity to protect listed species. If the province or territory does not act, the Governor in Council, on the recommendation of the Minister of the Environment, may order that the prohibitions in sections 32 and 33 apply for a given species on non-federal lands in a province or territory, or on lands not controlled by Environment Canada or the Parks Canada Agency in a territory. The Minister must make this recommendation if, after consultation with the provincial or territorial minister, he or she finds that the species or its residence[2] is not effectively protected by the laws of the province or territory.

3.2 Regulations and Emergency Orders

SARA allows for emergency listings of species on Schedule 1 when the Minister deems that there exists an imminent threat to the survival of a wildlife species. In such a case, the addition of the species would be conducted via ministerial recommendations to the Governor in Council. No emergency listing was recommended by the Minister of the Environment in 2008.

3.3 Permits and Agreements

Sections 73 to 78 of SARA address agreements, permits, licences, orders and other documents that authorize activities that would otherwise be offences under the Act. If all reasonable alternatives have been considered, if all feasible measures have been taken to minimize the impact of the activity, and if the survival or recovery of the species is not jeopardized,

[1] Under SARA, "federal land" includes, but is not limited to, Canada's oceans and waterways, national parks, military training areas, national wildlife areas, some migratory bird sanctuaries and First Nations reserve lands

[2] "Residence" means a dwelling-place, such as a den, nest or other similar area or place that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating

agreements may be made and permits may be issued for the following activities:

- research relating to conserving a listed species that is conducted by qualified scientists;
- activities that benefit a listed species or enhance its chances of survival in the wild; and
- activities that incidentally affect a listed species.

In 2008, Environment Canada continued to manage a web-based SARA permit tracking system to allow for more efficient processing and issuing of permits under section 73 of the Act. The Department also progressed in the development of an updated version that will allow for online completion and submission of permit applications.

Environment Canada issued 49 permits in 2008 to allow the monitoring, inventory and management of a variety of species of birds, mammals, reptiles, amphibians and plants. Most of the permits issued were for scientific research relating to the conservation of the species.

The Parks Canada Agency maintained an online research permitting system to enhance services to researchers and to ensure that research is efficiently communicated. The system incorporates a mandatory peer-review mechanism that ensures that every permitted research activity is SARA-compliant. The Parks Canada Agency issued 21 permits in 2008 to academic and government researchers and Parks Canada scientists for conservation research.

In 2008, Fisheries and Oceans Canada issued some 3385 permits for the northern wolffish and spotted wolffish and 3379 permits for leatherback seaturtle. These permits were issued under paragraph 73(2)(*c*) of SARA to fishers in Atlantic Canada whose activities might cause incidental harm to these listed species. Peer-reviewed assessments determined that the level of harm from bycatch would not jeopardize the survival or recovery of these species. The Department also issued 260 permits for the purpose of scientific research for conservation purposes on 46 listed species; 2 permits for activities expected to benefit the species; and 14 permits for activities that may result in incidental harm to a listed species.

Rationales for all permits issued by Environment Canada under the Act are posted on the Species at Risk Public Registry at www.sararegistry.gc.ca.

No agreements were negotiated during the reporting periods.

4 SPECIES RECOVERY MEASURES

4.1 Background

Species recovery includes a wide range of measures to restore populations of species at risk. Under SARA, the competent ministers must prepare recovery strategies and action plans for species listed as extirpated, endangered or threatened, and management plans for species listed as special concern. Recovery strategies identify threats to the species and its habitat, identify critical habitat to the extent possible and set recovery goals. Management plans include measures for species conservation. Table 4 shows the required timelines for developing the recovery measures. Recovery strategies are developed cooperatively by the federal, provincial and territorial jurisdictions responsible for each species, in cooperation and consultation with other directly affected parties as required under the Act.

Proposed recovery strategies, action plans and management plans are posted on the Species at Risk Public Registry for a 60-day public comment period. The ministers consider comments and make changes where appropriate. The final documents are posted on the Species at Risk Public Registry within 30 days of the close of the public comment period. Five years after a recovery strategy, action plan or management plan comes into effect, the competent ministers must report on progress made towards the stated objectives.

4.2 Recovery Planning

4.2.1 Recovery Strategies

In 2008, Environment Canada posted four final recovery strategies, Fisheries and Oceans Canada posted eight final recovery strategies and one management plan, and the Parks Canada Agency posted four final recovery strategies and one proposed recovery strategy.

Table 5 shows the number of listed species covered by recovery strategies or management plans.

Table 4: Timeline for Developing Recovery Plans (in years)

Species listing date	Recovery strategy		Management plan
	Endangered	Threatened or extirpated	Special concern
June 5, 2003	3	4	5
New listings after June 5, 2003	1	2	3
Reassessed Schedule 2 or 3 listings, after June 5, 2003	3	4	5

Table 5: Number of Recovery Strategies and Management Plans, and the Number of Listed Species at Risk Covered by Them, by the Responsible Agency

SARA responsible agency	Recovery strategies posted in 2008†	Species covered by strategies posted in 2008	Management plans posted in 2008	Species covered by management plans posted in 2008
Environment Canada	4	5	0	0
Fisheries and Oceans Canada	8	10	1	1
Parks Canada Agency	5	5	0	0
TOTAL*	**17**	**20**	**1**	**1**

* Note that a single recovery strategy or management plan may address multiple species at risk. Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency use a multi-species/ecosystem-based approach for the recovery of species at risk where appropriate.

† One recovery strategy for one species included in this table was posted as "proposed" by the Parks Canada Agency, but was not yet posted as "final" as of December 31, 2008.

4.2.2 Identification of Critical Habitat

SARA defines "critical habitat" as the habitat that is necessary for the survival or recovery of a listed wildlife species. Competent ministers must identify critical habitats to the extent possible, based on the best available information, in their recovery strategies and action plans. This helps to identify and protect the amount, quality and location of habitat needed to achieve the recovery goal, and the population and distribution objectives established in the recovery strategy. If available information is inadequate to fully identify critical habitat, the competent ministers must include a schedule of studies in the recovery plan strategy or action plan with a view to obtaining the necessary information. Critical habitats do not need to be identified for extirpated species where reintroduction is not recommended or for species of special concern.

During 2008, Environment Canada continued to support and engage in activities to advance the identification of critical habitat for species both now and in the future. Environment Canada hosted and participated in a variety of workshops with government and non-governmental stakeholders to address policy development, intergovernmental responsibilities and interactions, as well as the science associated with identifying critical habitat. Of the five species for which Environment Canada posted recovery strategies in 2008, no critical habitat was identified. Environment Canada will apply knowledge acquired throughout 2008 to inform the identification of critical habitat in the coming years.

In 2008, Fisheries and Oceans Canada finalized the identification of critical habitat for the Nooksack dace and northern and southern resident killer whale populations. The Department initiated studies addressing the critical habitat for 17 species that are to be included in recovery strategies to be posted in 2009 and 2010.

During 2008, the Parks Canada Agency continued to support and assist in research and activities that will help to identify critical habitat for many species. For example, in 2008, the Parks Canada Agency held scientific workshops with internal and external scientific partners to establish technical decision-making frameworks to identify critical habitat for the Greater Sage-grouse and the Massasauga rattlesnake. The establishment of such frameworks will help

guide the process of transparent, scientifically sound critical habitat identification for other species. The Agency continues to invest considerable resources in developing and implementing schedules of studies to identify critical habitat for many other species at risk.

4.3 Recovery Implementation

4.3.1 Protection of Critical Habitat

SARA requires that all critical habitat identified in recovery strategies and action plans be protected against destruction. The competent ministers use a wide range of measures to achieve this goal.

By the end of 2008, Environment Canada had identified critical habitat for 14 species. For one extirpated species for which recovery was not feasible, Environment Canada determined that critical habitat could not be identified. In migratory bird sanctuaries and national wildlife areas under the administration of Environment Canada where critical habitat for terrestrial and migratory bird species has been identified, descriptions for all critical habitats have been published in the *Canada Gazette* and are now protected against destruction under SARA. For the remaining critical habitats identified, Environment Canada identified those portions of critical habitat that were already protected using measures other than SARA and took action toward protecting the remaining portions of critical habitat.

The critical habitat for aquatic species can be protected through provisions in or measures under SARA, or through measures available under any other applicable legislation such as the *Fisheries Act* or the *Oceans Act*. In 2008, Fisheries and Oceans Canada published the Critical Habitat Protection Statement for the Nooksack dace and the northern and southern populations of the resident Killer whale.

The critical habitat of species found on lands administered by the Parks Canada Agency can be legally protected by provisions in or measures under SARA, the *Canada National Parks Act*, the *Canada National Marine Conservation Areas Act*, the *Saguenay-St. Lawrence Marine Park Act* or any other applicable legislation. In 2008, the Parks Canada Agency protected critical habitat for three species (Whooping Crane, pink sand-verbena, and Banff springs snail) within two national parks and one national park reserve.

4.3.2 Recovery Activities

In 2008, Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency continued to dedicate resources to support the recovery of species at risk and to encourage partnerships with various stakeholders (see Section 6, Research Funding and Public Engagement, for additional information).

Environment Canada also implemented recovery activities for numerous species at risk across the country. Projects included monitoring, population studies, critical habitat identification, habitat restoration, outreach and education, development of appropriate land use guidelines, and captive breeding and release into the wild of species at risk. One creative example is the use of long-term radar monitoring stations to measure the population trend of Marbled Murrelets in British Columbia.

In 2008, Fisheries and Oceans Canada implemented recovery activities for aquatic species at risk, including captive broodstock programs, reintroductions, enhancement/ naturalization of riparian habitat, reduction of agricultural waste, rescue of entangled marine animals, removal of ghost and illegal nets, population studies and modelling, and critical habitat identification.

In 2008, the Parks Canada Agency continued to conduct recovery activities for species at risk in and around national protected heritage areas. A total of 32 ongoing and new species-at-risk projects were funded in 2008 for a total of $1.3 million. These projects included the restoration of coastal dune ecosystems along the British Columbia coast, caribou research,

monitoring and First Nations outreach at Pukaskwa National Park, and the development of an integrated management strategy for the mouth of the Rivière Saguenay, an essential habitat for the beluga whale.

In addition, the Agency continued to support four multi-year projects taking an ecosystem approach to species-at-risk recovery: the restoration of habitat in Garry oak ecosystems in southern British Columbia, grassland restoration at Grasslands National Park in Saskatchewan, habitat restoration in Nova Scotia and species-at-risk inventory and habitat assessment along the Trent-Severn Waterway in Ontario. These four projects received a total of $1.6 million in 2008. Such an ecosystem approach includes research, recovery activities, and outreach and education for an integrated approach to species recovery.

Protecting Prairie Landscapes—Cooperation for Species and Habitats at Risk

The Grasslands National Park greater ecosystem is a focal area for species at risk in Canada with 15 species currently listed under the *Species at Risk Act*, such as the Burrowing Owl, the Sage Grouse and the black-tailed prairie dog. The rich prairie ecosystem has been shrinking for over a century, making this region one of the top-priority grassland landscapes for conservation in North America. The characteristics of the grassland environment and the biological requirements of many species dictate that conservation efforts need to be undertaken at a regional scale if they are to be successful.

The Crossing the Medicine Line Initiative, an international, multi-jurisdictional conservation planning effort, has created a partnership network to work with local neighbours and stakeholders to develop transboundary relationships. Partners for various conservation initiatives include local ranchers, local communities, the United States Bureau of Land Management, the University of Montana, Canadian universities and Environment Canada.

initiatives such as habitat restoration, grazing management, control of invasive species, and public outreach and education.

4.3.2.1 Habitat Stewardship Program

The federal Habitat Stewardship Program for Species at Risk was established in 2000 as part of the National Strategy for the Protection of Species at Risk. In 2008–2009, the Habitat Stewardship Program allocated up to $11.3 million annually to projects that conserve and protect species at risk and their habitat. The goal of the Habitat Stewardship Program is to engage Canadians from all walks of life in conservation actions so that an entire landscape or waterscape will benefit. Projects focus on three key areas:

- securing or protecting important habitat to protect species at risk and support their recovery;
- mitigating threats to species at risk caused by human activities; and
- supporting the implementation of priority activities in recovery strategies or action plans.

The Habitat Stewardship Program is co-managed by Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency, and is administered by Environment Canada on a regional basis. Regional implementation boards include representatives from the two federal departments and the Agency, provincial and territorial governments, and other stakeholders, where appropriate. These boards provide advice on priorities, program direction and project selection for their respective regions. Further information on the program is available at www.cws-scf.ec.gc.ca/hsp-pih.

During the eighth year of the program (2007–2008), 185 projects initiated by 147 recipients were funded for a total of $9.6 million, and an additional $27.4 million in funding was leveraged, for a total value of $37 million. These contributions provided support to stewardship across Canada that resulted in the securement and protection of 275 692 ha of land (including nearly 20 000 ha through legally binding means, such as acquisition or conservation easements) and the restoration of 17 097 ha of land and 713 km of shoreline. Projects funded through the

Habitat Stewardship Program for Species at Risk have helped the recovery of 338 species at risk across Canada.

Identifying, Implementing and Monitoring Habitat Restoration Projects for Salish Sucker and Nooksack Dace

The Salish sucker and the Nooksack dace are threatened by habitat loss and degradation throughout their Canadian ranges, which are limited to the Fraser Valley of British Columbia. Through these habitat restoration projects, the Langley Environmental Partners Society focused on restoring riparian and in-stream habitat, monitoring and maintaining past projects funded by the Habitat Stewardship Program, developing habitat enhancement methods, and estimating the abundance of Nooksack dace in the Brunette River. Four major aquatic habitat restoration projects were completed and riparian planting was completed on five other sites, totalling 3.4 km. Together these activities have significantly improved the health of critical habitat, increased awareness of both species and the threats that face them, and improved the recovery team's understanding of the current status of Nooksack dace in the Brunette River.

Conservation of the Western Rattlesnake: Effectiveness of Snake Fencing—Nk'Mip Desert Cultural Centre

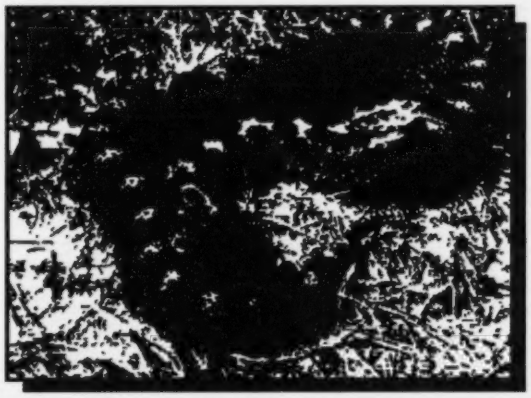
The Nk'Mip Desert Cultural Centre (NDCC), located on the Osoyoos Indian Reserve in British Columbia, was established to promote Syilx culture and the rare and unique plants and animals of the Osoyoos area. Since 2002, NDCC has supported a study of western rattlesnakes, including their population, movement patterns and habitat preferences. The natural grassland site provides habitat for the western rattlesnake and is bordered to the south by Nk'Mip Resort, which includes vineyards, a golf course, accommodation, an interpretive centre and a campground. The work focused on the impact of agricultural and urban development and management strategies to protect the snake population.

The western rattlesnake (*Crotalus oreganus*) is a threatened species in Canada. It occurs only in southern British Columbia and is concentrated in the Okanagan Valley. The NDCC project was carried out in 2007–2008 with a contribution of $23,600 from the Aboriginal Funds for Species at Risk and with $41,000 in-kind contributions and cash from other partners, including the Okanagan Training and Development Council, a job training program coordinated by the Okanagan Nation Bands, the South Valley Veterinary Clinic, the Vancouver Foundation, and the provincial and federal governments. The aim was to determine the status of the western rattlesnake in Canada and to decide on appropriate measures for management and conservation.

Road mortality is a major threat to this species and can have a significant impact on populations. Using radio telemetry, the impact and effectiveness of a four-kilometre rattlesnake exclusion fence to mitigate road mortality and human encounters was examined.

Using the NDCC as an avenue, education programs were presented twice daily to enhance public knowledge and understanding of rattlesnakes. Management workshops were held for local businesses operating in rattlesnake habitat.

The fence was completed in the summer of 2006. Preliminary results suggest that the rattlesnake exclusion fence is an effective tool to eliminate rattlesnake-human interactions. During the 2007 season, the exclusion fencing worked without known detriment to the snakes. There were no known mortalities found along or near this fencing, and no observations were made of any snakes in distress. Of the 30 observations of any snake species along the fence, 13 were rattlesnakes, 10 were racers and 7 were gopher snakes. Follow-up monitoring with the fence in place will be required to determine the impact of the exclusion fence, along with the management implications of horse, wildlife and human damage to fences.



4.3.2.2 *Interdepartmental Recovery Fund*

The Interdepartmental Recovery Fund (IRF), administered by Environment Canada, is part of the National Strategy for the Protection of Species at Risk. The IRF supports federal departments, agencies and Crown corporations in their efforts to meet the requirements of SARA.

Projects must directly relate to the implementation, in whole or in part, of recovery strategies or recovery action plans for species listed as extirpated, endangered or threatened. Surveys on federal lands are eligible for IRF funding for species that do not have a recovery strategy in place. Participating departments that manage federal lands can also receive support for project-based management activities to implement SARA.

More information can be found at www.sararegistry.gc.ca/involved/funding/irf_fir/default_e.cfm.

In the IRF's first six years (2002–2003 to 2007-2008), it financed 382 recovery projects with a total investment of $11.2 million.

In 2007–2008, the IRF supported 72 projects, totalling $1.5 million in support of the recovery of 79 species and seven ecosystems (see Table 6 below for breakdown by federal agency and fiscal year). Of the total funds, 61 percent were applied to recovery actions and 39 percent to surveys on federal lands. Projects were implemented by nine federal departments and two Crown corporations.

The portion of funds allocated to federal organizations other than the responsible agencies under SARA has grown steadily since the program was put in place. In 2007–2008, about 62 percent of the funds went to these other federal government organizations, up from 44 percent in 2005–2006.

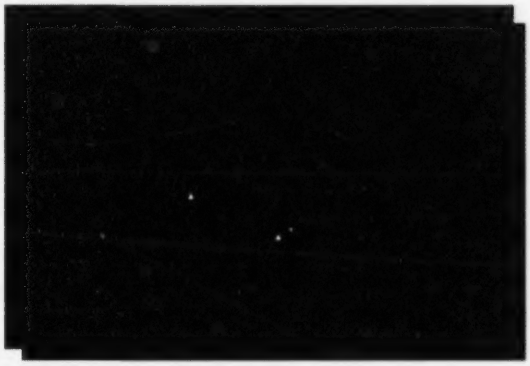
The projected allocation for the 2008–2009 fiscal year is $2.6 million.

Table 6: Interdepartmental Recovery Fund Expenditures, by Federal Agency, in Fiscal Year 2007–2008

Lead organization	No. of projects	IRF (thousand $)
Fisheries and Oceans Canada	16	418,884
Agriculture and Agri-Food Canada	13	346,500
Indian and Northern Affairs Canada	11	155,237
Environment Canada	9	187,980
Department of National Defence	8	161,600
Natural Resources Canada	6	95,525
Parks Canada Agency	3	66,000
Public Works and Government Services Canada	2	11,766
National Capital Commission	2	34,800
National Research Council of Canada	1	8,000
Transport Canada	1	20,000
Total	**72**	**1,506,292**

Habitat Restoration and Monitoring for the Ord's Kangaroo Rat

The Ord's kangaroo rat is an endangered species in Canada because of its small population size, extreme annual fluctuations in population size and limited geographic extent. The natural habitat of the species, actively eroding sand dunes, is also disappearing at an estimated 40% per decade due to vegetation encroachment. The cause of recent stabilization is unknown, but it is believed that recent climatic trends and the loss of disturbance (such as bison grazing or recurring fire) are contributing factors. A recovery goal for the species is to reverse the recent trend of habitat loss by restoring active sand dune habitats. Over the past two years, a research-and-recovery project at Canadian Forces Base Suffield has been experimenting with the use of prescribed fire and intensified natural grazing by deer, elk and pronghorn to simulate historical forms of disturbance. Habitat treatments have been conducted at 17 sites, which are continuously using various techniques, including remote cameras, topographic surveying and satellite imaging. The sites have also been monitored for the presence of Ord's kangaroo rats, and preliminary results are very promising: of 8 sites that received prescribed fire in fall 2007, all became occupied by fall 2008 and many sustained kangaroo rats into 2009.



4.3.2.3 Aboriginal Funds for Species at Risk

The Aboriginal Funds for Species at Risk (AFSAR) program comprises two funds: the Aboriginal Capacity Building Fund (ACBF) and the Aboriginal Critical Habitat Protection Fund (ACHPF). The ACBF helps Aboriginal organizations and communities across Canada build capacity to participate actively in the conservation and recovery of species protected under SARA and species at risk designated by COSEWIC. The ACHPF helps to protect and recover critical habitat or habitat important for species at risk on First Nations reserves or on land and waters traditionally used by Aboriginal peoples. Each year the AFSAR program benefits between 50 and 100 species at risk. The program is co-managed by Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency, with the support of Indian and Northern Affairs and the guidance of the National Aboriginal Council on Species at Risk. Further information on the program is available at www.registrelep.gc.ca/involved/funding/asrp_e.cfm.

In the 2007–2008 fiscal year, the AFSAR program provided over $2.8 million for 100 projects. These projects levered additional funds that exceeded $1.2 million (in cash and in kind). The projects involved more than 70 communities and benefited more than 100 SARA-listed or COSEWIC-designated species through increased Aboriginal awareness of species at risk and through the development of strategies, guidelines and practices, or the completion of monitoring, surveying and inventorying studies.

Woodland Caribou Project of the Innu Community of Essipit

For 10 years, the Council of the Innu Essipit First Nation has been conducting a variety of data-gathering activities on the biophysical characteristics of *Nitassinan*, their traditional territory. Based on the traditional knowledge of some members of the community and backed up by aerial surveys, a herd of some 40 woodland caribou (boreal population) was identified in an area northeast of the mouth of the Saguenay River. Every year since 2004, community members team up with Quebec's Ministère des Ressources naturelles et de la Faune to catch caribou and fit them with satellite radio collars. These collars allow scientists to collect information on the seasonal use of the area by the caribou (rut, overwintering, calving, etc.).

The scientific results show that the caribou avoid vacation areas. The project has also led to the formation of a committee of interested provincial government and industry stakeholders. The committee put together a specific development plan to preserve the caribou habitat conditions and stipulate the terms for any forestry and tourism development activities, with the aim of maintaining the population. Tentative agreements were also signed with the two largest forestry companies. Adapted forestry practices were agreed to and will be applied on an experimental basis in these sectors. Lastly, discussions around the creation of a planned biodiversity reserve (*Akumunan*) to protect the last large stand of mature forest should begin this year.

5 CONSULTATION AND COOPERATION

5.1 Cooperation with other Jurisdictions

SARA recognizes that the responsibility for the conservation of wildlife in Canada is shared by federal, provincial and territorial governments. The federal government is responsible for terrestrial species found on federal lands as well as aquatic species and most migratory birds, while the provincial and territorial governments are primarily responsible for other species. SARA is designed to work with provincial and territorial legislation.

5.1.1 National Framework for Species at Risk Conservation

The federal, provincial and territorial governments agreed to the National Framework for Species at Risk Conservation in June 2007. The National Framework provides a set of common principles, objectives and overarching approaches for species-at-risk conservation to guide federal, provincial and territorial species-at-risk programs and policies.

The specific objectives of the Framework are to

- facilitate coordination and cooperation among jurisdictions involved with species at risk;
- encourage greater national coherence and consistency in jurisdictional policies and procedures; and
- provide context and common ground for federal/provincial/territorial bilateral agreements.

5.1.2 Bilateral Administrative Agreements

The establishment of governance structures for inter-jurisdictional cooperation is central to the effective implementation of the Act.

Reflecting this commitment, the departments are negotiating bilateral agreements on species at risk with all provinces and territories. The agreements set out shared objectives, as well as specific commitments where the governments will cooperate on species-at-risk initiatives. As of 2008, agreements have been signed with the governments of British Columbia, Quebec and Saskatchewan and a Memorandum of Understanding has been concluded with the Nunavut Wildlife Management Board. Agreements with other provinces and territories are at various stages of negotiation.

5.1.3 Canadian Endangered Species Conservation Council

The Canadian Endangered Species Conservation Council (CESCC) was established under the 1996 Accord for the Protection of Species at Risk and was formally recognized under SARA. The CESCC is made up of federal, provincial and territorial Ministers responsible for conservation and management of species at risk. Under SARA, the CESCC

- provides general direction on the activities of COSEWIC, the preparation of recovery strategies, and the preparation and implementation of action plans; and
- coordinates the activities of the various governments represented on the Council relating to the protection of species at risk.

In October 2008, CESCC Deputy Ministers met by teleconference to receive updates on various activities related to species at risk, and to discuss issues related to the strategic oversight and management of the Council.

5.1.4 Canadian Wildlife Directors Committee

The Canadian Wildlife Directors Committee plays an important role in inter-jurisdictional cooperation on species at risk. The committee is an advisory body on wildlife issues including species at risk. The committee is co-chaired by Environment Canada and a province or territory on a rotating basis (Alberta in 2008). The committee is made up of federal and provincial/territorial wildlife directors, including representatives from Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency. The committee provides leadership in the development and coordination of policies, strategies, programs and activities that address wildlife issues of national concern and help conserve biodiversity. It also advises and supports CESCC Deputy Ministers' and Ministers' councils on these matters.

The Canadian Wildlife Directors Committee met twice in 2008 and held several conference calls to address various issues, including several related to species at risk:

- coordination and governance of species-at-risk programming;
- development of species-at-risk bilateral agreements;
- development of guidance to COSEWIC regarding species assessment;
- development of species recovery measures;
- direction on the National Framework for Species at Risk Conservation;
- development of provincial/territorial species-at-risk programming; and
- planning for Deputy Ministers' and Ministers' meetings.

5.1.5 Recovery of Nationally Endangered Wildlife Working Group

The Recovery of Nationally Endangered Wildlife (RENEW) Working Group consists of federal, provincial and territorial representatives responsible for the recovery of species at risk. RENEW provides information, advice and recommendations on recovery matters to the Canadian Wildlife Directors Committee.

RENEW met in the fall of 2008. The meeting included a jurisdictional round table session, identification of priority areas for national discussion, and a focused discussion on key questions and approaches to action planning. Additionally, a full day was devoted to the discussion of issues related to the identification and protection of critical habitat, including presentations and a panel discussion by local recovery practitioners. The discussion focused on

- policy issues related to critical habitat identification and protection;
- possible approaches to determining what constitutes effective protection of critical habitat;
- the relationship between the identification of critical habitat and its protection; and
- possible approaches to implementing and measuring protection of critical habitat.

5.1.6 Aquatic Species at Risk Task Group

To help further inter-jurisdictional discussions, the ministers responsible for fisheries and aquaculture created the Aquatic Species at Risk Task Group, including representatives from Fisheries and Oceans Canada and all provinces and territories.

In 2007, the Task Group had finalized the National Strategy for the Protection and Recovery of Aquatic Species at Risk, approved by the Canadian Council of Fisheries and Aquaculture Ministers. Throughout 2008, each jurisdiction worked on implementing the strategy, which will be ongoing for years to come. The Task Group will be reviewing their success in implementing the National Strategy recommendations.

5.2 Consultations with Aboriginal Groups and Stakeholders

5.2.1 *Minister's Round Table on Species at Risk*

SARA requires that the Minister convene a round table, at least every two years, of persons interested in matters respecting the protection of wildlife species at risk in Canada to advise the Minister on those matters.

The second Minister's Round Table on Species at Risk was held on December 16, 2008. The round table discussion involved stakeholders with an interest in the *Species at Risk Act*, including representatives from territorial governments, environmental non-governmental organizations, industry and Aboriginal groups.

Highlights of the discussion and ensuing recommendations centered on the various steps in the process of the Species at Risk Program, namely species assessment and the role of COSEWIC, listing and legal protection, recovery planning and implementation, and monitoring and evaluation. Throughout the discussion, Aboriginal engagement emerged as an overarching theme.

The Minister's Round Table resulted in a number of recommendations, and Environment Canada undertook to work towards addressing them. The Minister's response can be found at www.sararegistry.gc.ca/document/default_e.cfm?documentID=1545.

5.2.2 *National Aboriginal Council on Species at Risk*

SARA recognizes that the role of Aboriginal peoples in the conservation of wildlife is essential and that Aboriginal peoples possess unique traditional knowledge concerning wildlife species. The National Aboriginal Council on Species at Risk (NACOSAR), comprised of representatives from the Aboriginal peoples of Canada, is created under section 8.1 of SARA to advise the Minister of the Environment on the administration of the Act and to provide advice and recommendations to the CESCC.

In 2008, NACOSAR and its Policy and Planning Committee held several face-to-face meetings and teleconferences to discuss various topics that included

- developing advice to improve the Aboriginal SAR funding programs;
- incorporating Aboriginal Traditional Knowledge in the implementation of SARA;
- ways and means to bring Aboriginal groups together to develop Aboriginal Traditional Knowledge guidelines;
- the Polar Bear Round Table report;
- the Species at Risk Advisory Committee (SARAC) discussion group on socio-economics and mechanisms for NACOSAR's input on socio-economics;
- common concerns with the COSEWIC Subcommittee on Aboriginal Traditional Knowledge and development of a communications protocol;
- Aboriginal engagement policy on SARA;
- better engaging youth and elders in NACOSAR; and
- recovery strategy and consultation on caribou.

In June, NACOSAR held a joint meeting with SARAC to discuss areas of common interest, examine the challenges of recovery planning in a multi-jurisdictional environment for a migratory species in a broad range, and look at next steps for implementing the Boreal Caribou Recovery Strategy, and recovery strategies in general.

In July, a NACOSAR representative also met with the National Management Team of the Aboriginal Funds for Species at Risk (AFSAR) to discuss ways to enhance Aboriginal involvement in the AFSAR process, and to review the AFSAR regional call letter.

5.2.3 *Species at Risk Advisory Committee*

SARAC was created by the Minister of the Environment through discretionary powers under the Act. Chaired by Environment Canada, the Committee was established to provide advice on the administration of the Act. The Committee includes ten representatives from industry groups, ten representatives from environmental non-governmental organizations and two members from academia. Representatives from Fisheries and Oceans Canada and the Parks Canada Agency also attend the committee meetings as observers.

The Advisory Committee held two teleconferences and a face-to-face meeting jointly with NACOSAR in 2008. Discussions and advice regarding SARA implementation included

- development of policies under SARA;
- planning for the Minister's Round Table on Species at Risk;
- development of processes related to SARA listing and recovery;
- review of compliance guidelines;
- development of bilateral agreements;
- review of the national strategy for public engagement;
- planning for the Parliamentary five-year review of SARA[3];
- development of approaches for assessing socio-economic impacts of regulatory actions under SARA;
- development of approaches for incorporating ecosystem concepts into species assessment; and
- guidance on development of the Woodland Caribou Recovery Strategy.

[3] Environment Canada did not chair or otherwise participate in these discussions

5.3 Federal Coordinating Committees

The federal government has established governance structures to support federal implementation of the Act and its supporting programs. Several committees, comprising senior officials from Environment Canada, Fisheries and Oceans Canada, and the Parks Canada Agency, meet regularly to discuss policy and strategic issues, and to monitor SARA implementation. These include

- the Species at Risk Associate Deputy Ministers Steering Committee;
- the Species at Risk Assistant Deputy Ministers Committee; and
- the Species at Risk Directors General Operations Committee.

All of these committees met regularly in 2008 to discuss and provide direction on matters related to SARA implementation, such as

- development and implementation of policies and interdepartmental guidance concerning the implementation of SARA;
- planning and coordination of the Minister's Round Table on species at risk;
- development and implementation of processes related to SARA listing and recovery;
- development and implementation of bilateral agreements;
- implementation of the action plan developed in response to a formative evaluation of federal species-at-risk programs;
- approval of priorities and projects under the three species-at-risk funding programs (Habitat Stewardship Program, Aboriginal Funds for Species at Risk and Interdepartmental Recovery Fund);
- planning for the departments' preparations for the parliamentary five-year review of SARA; and
- development of a results-based management and accountability framework, and a risk-based audit framework for SARA.

6 RESEARCH FUNDING AND PUBLIC ENGAGEMENT

6.1 Background

SARA recognizes that all Canadians have a role to play in conserving wildlife, including preventing wildlife species from being extirpated or becoming extinct. The Act also recognizes that the conservation efforts of individual Canadians and communities should be encouraged and that stewardship activities contributing to the conservation of wildlife species and their habitat should be supported to prevent species from becoming at risk. The Act therefore encourages stewardship and cooperation through provisions for funding programs, conservation agreements and joint programs for species at risk.

6.2 Outreach and Education

In 2008, Environment Canada continued to use its National Strategy for Public Engagement in the Conservation of Species at Risk, approved in 2005, to guide its outreach and education activities, such as the iconic program Hinterland Who's Who. Environment Canada, in conjunction with the Parks Canada Agency and Fisheries and Oceans Canada, also participated in a national working group on consultations, including presentations to regional practitioners on policies and processes for consultation. During the reporting period, species at risk were also included in many cases in Environment Canada's broader conservation-and-biodiversity-related outreach and educational activities. Environment Canada also organized and delivered workshops and training for wildlife issues to audiences, including other federal departments and non-governmental organizations.

In 2008, the Parks Canada Agency, with the Department of Fisheries and Oceans and Environment Canada, partnered with the Nunavut Inuit Wildlife Secretariat to deliver and test a pilot course on the *Species at Risk Act* to facilitate local community engagement in species-at-risk protection and recovery. Also during this period, Parks Canada produced an online document entitled "Action on the Ground II: Working with Canadians to Improve Ecological Integrity in Canada's National Parks" that highlights many of the innovative approaches undertaken across the national park system to maintain and improve ecological integrity in Canada's national parks, including the recovery of species at risk, through the engagement and involvement of Canadians. The network of national parks and sites developed educational products and initiatives for species at risk at the local and regional levels, including kiosks featuring an interactive simulation computer game involving the reintroduction of the black-footed ferret into Grasslands National Park. The game was installed at the Toronto Zoo and Environment Canada's Biosphère museum in Montréal.

In 2008, Fisheries and Oceans Canada continued to develop and implement communications and outreach programs across Canada, with a focus on increasing awareness of aquatic species at risk. Key target audiences included the fishing industry, the general public, the media, environmental non-governmental organizations and Aboriginal groups.

Spotted Gar Outreach Campaign

Fisheries and Oceans Canada's spotted gar outreach campaign was developed in partnership with the Province of Ontario to raise awareness about the species and SARA in three communities in Ontario (Long Point, Point Pelee and Rondeau Bay), the aquarium industry and live fish markets.

Information from science staff at Fisheries and Oceans Canada indicated that spotted gar have been known to show up in the aquarium industry, likely due to their great similarity to Florida gar (which are legal). Live fish markets have also been reported to carry spotted gar from time to time, likely due to confusion with longnose gar (which are also legal). To counter the trade and sale of the spotted gar, water-resistant posters were developed for both of these audiences to help educate staff and consumers about how to identify and protect this threatened species. A number of aquarium shops have posted these posters in their shops, leading to inquiries for more information from the public and interest to help share information in their communities.

Other more targeted efforts are being made with Rondeau Bay Provincial Park. Fisheries and Oceans Canada has provided the park with a great deal of information on local aquatic species at risk within the park. As well, through the Habitat Stewardship Program, Fisheries and Oceans Canada is supporting the Rondeau Bay wetland restoration project along agricultural land bordering on Rondeau Bay. This project, led by the Ontario Ministry of Natural Resources and a number of private and government agencies, seeks to restore wetland areas in order to improve water quality and habitat for the spotted gar, and other Rondeau Bay species.

White Sturgeon

In early October 2008, more than 1000 students from 22 local schools in Vanderhoof, British Columbia, visited touch tanks at the Riverside Park mobile hatchery for the Save Our Sturgeon Juvenile Release Event. They learned the life history of the white sturgeon, and had the chance to name and release one of 1200 juvenile white sturgeons into the Nechako River. The Nechako River population is one of the four populations of white sturgeon designated as endangered under SARA.

The third annual release event aimed to help supplement the wild population with hatchery-raised juveniles and to engage a new generation of white sturgeon stewards.

The Nechako White Sturgeon Recovery Initiative, which coordinates this event, includes members from Fisheries and Oceans Canada, the B.C. Ministry of Environment, the Carrier Sekani Tribal Council, Alcan, the Freshwater Fisheries Society, the District of Vanderhoof and the Fraser Basin Council. The organization's goal is to help the dwindling Nechako population recover to self-sustaining levels.

Fisheries and Oceans Canada is heavily involved in this project, contributing labour and funding as well as participating in community and technical working groups aimed at planning for the recovery of the endangered fish.

6.2.1 Websites

In 2008, the federal Species at Risk website and SARA Public Registry were combined into a new and more comprehensive Species at Risk Public Registry, maintained by Environment Canada and including information on Canadian wildlife species and actions that individual Canadians can take to help protect and recover these species. In 2008–2009, 77 new profiles for terrestrial species were added to the Species at Risk Public Registry. More information on the Species at Risk Public Registry is available in Section 8 of this report.

In 2008, Fisheries and Oceans Canada upgraded its national website on aquatic species at risk (www.dfo-mpo.gc.ca/species-especes/index-eng.htm) to comply with the Treasury Board Secretariat's new Common Look and Feel Standards 2.0, making the website consistent with other federal government websites and facilitating effective online interaction with the public. As well, the site was expanded and updated with more than 30 new species profiles. These profiles provide in-depth background on aquatic species at risk, the threats they face and ways Canadians can help protect them. Between April 1, 2008, and March 31, 2009, the Aquatic Species at Risk website averaged 1020 visits per month.

The Parks Canada Agency maintains a species at risk portal on its website (www.pc.gc.ca/speciesatrisk), including information on species and recovery efforts. The website also includes a searchable database of species at risk found in lands and waters managed by the Parks Canada Agency, and provides youth-oriented games and activities on species at risk. In 2008, a section was created that presents engaging stories, submitted by Canadians nationwide, of personal encounters with species at risk. Audio versions of the stories can be accessed at the site as well as a digital version of the booklet "Encounters in the Wild." In addition, members of the public are provided with a means to submit their own stories of encounters with species at risk.

6.3 Research Funding

The Endangered Species Recovery Fund was established in 1988 to support recovery activities for species at risk, and was originally a joint initiative between Environment Canada and World Wildlife Fund Canada, though as of 2008–2009, World Wildlife Fund Canada no longer administers this fund. Once a year, the Scientific Advisory Committee reviews project proposals from university researchers, conservation groups and others, and makes funding recommendations based on established criteria. Since 1988, the Endangered Species Recovery Fund has invested over $10 million in over 750 projects.

The Endangered Species Recovery Fund awarded more than $650,000 to 36 projects in 2008. These funds supported research and education efforts by scientists and conservation advocates working to guide and implement recovery actions for Canadian species at risk. More information is available at www.registrelep.gc.ca/involved/funding/esrf_e.cfm.

7 COMPLIANCE PROMOTION AND ENFORCEMENT

7.1 Background

The federal government recognizes the importance of compliance education in the protection and recovery of species at risk. Officials from Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency continue to work together to ensure that Canadians are informed about SARA and their responsibilities under the Act. Offences under SARA can be prosecuted as indictable or summary conviction offences.

7.2 Compliance Promotion

As per the *Cabinet Directive on Streamlining Regulations*, Environment Canada developed compliance promotion strategies and plans to accompany regulatory initiatives registered in 2008. Compliance promotion activities also continued to be guided by the National Strategy for Public Engagement in the Conservation of Species at Risk, approved in 2005, and included targeted information sessions as well as communication materials.

Environment Canada is tasked with ensuring compliance with SARA, which is monitored by such means as checking permits, conducting patrols and inspections, issuing warnings, participating in events to educate the public on activities that impact wildlife and their habitat, sharing information with federal and provincial partners, gathering intelligence and following up on reports from the public.

Protecting the Piping Plover Population in the Atlantic Region

The protection of the Piping Plover (*Charadrius melodus*), a SARA-listed species of shorebird, is a challenge in Newfoundland and Labrador because the use of all-terrain vehicles (ATVs) is not prohibited on beaches, whereas it is generally prohibited elsewhere in the region. In addition, no critical habitat has been officially designated in Newfoundland to date; ATV use is therefore permitted on beaches as long as an individual is not observed harming, harassing or killing a Piping Plover.

In May 2008, Environment Canada planned a joint forces operation with the local Newfoundland Department of Natural Resources to promote compliance by talking with as many beach users as possible and issuing verbal and written warnings where necessary. Environment Canada reviewed Piping Plover nesting and beach activity to help determine dates when patrols would be most effective. Joint patrols were subsequently conducted in June and July. Beach users were approached and given an educational overview on the Piping Plover, legislation protecting the bird, and copies of an Environment Canada educational brochure about the species. In addition, Environment Canada also spoke with the local Royal Canadian Mounted Police detachment and delivered a short educational overview of the Piping Plover situation. The response was very positive and enforcement support was offered. After the first two weeks of patrols, a notable decrease in ATV activity on nesting beaches was observed.

In 2008, more than 640 front-line fishery enforcement officers working in the Conservation and Protection Branch at Fisheries and Oceans Canada continued to work with internal and external partners to promote compliance through education and outreach activities with affected communities and Aboriginal groups. Fishery officers dedicated more than 2170 hours educating a wide range of Canadians on the threats to aquatic species at risk and what to do to help protect them. These efforts included school visits, trade shows, workshops and community meetings.

Highlights of Fisheries and Oceans Canada's regional compliance promotion in 2008 include the following activities:

- The Gulf Region was patrolled by air and water to monitor the groundfish fishery to ensure that fish harvesters were complying with the *Species at Risk Act* when dealing with listed species. In addition, extensive efforts were made in the striped bass spawning grounds, promoting compliance with regulations in order to conserve and protect this species. Promotion of compliance in relation to listed species in the region is an ongoing priority for the fishery officers.
- The Newfoundland and Labrador Region Conservation & Protection program promoted compliance in relation to listed species in the region, preparing and delivering educational materials to affected parties and other interested groups and individuals.
- The Quebec Region was engaged in awareness promotion efforts, targeting affected parties through the distribution of promotional materials during patrols and inspections. A refresher of the *Species at Risk Act* was given as a part of the annual qualification for all Quebec fishery officers. School visits and an education awareness promotion program were also put in place in 2008. Moreover, work continued in relation to the St. Lawrence and northern beluga whale populations, with the frequent presence of fisheries officers. Fisheries officers also contributed to freeing a leatherback turtle that was entangled in fishing gear.
- The Central and Arctic Region focused on community outreach with recreationalists, such as all-terrain vehicle operators, on protecting habitat for species at risk. In addition, fishery officers monitored bowhead whale hunting and the humane harvest of ice-entrapped narwhals.
- Pacific Region fishery officers were dedicated in providing compliance promotion and enforcement information to regional recovery and action plan teams across the region in 2008. The British Columbian interior area has been working with hydroelectric companies to minimize the number of white sturgeon deaths in British Columbia dams. Officers on the coast met with most tour operators and charter companies to encourage responsible marine mammal viewing, particularly around killer whales. Conservation and Protection has been developing working relationships with First Nations in anticipation of a future sea otter harvest (as populations steadily recover).

Throughout 2008, the Parks Canada Agency continued to support compliance promotion and enforcement activities by promoting awareness and understanding of species at risk and their habitat, by initiating and maintaining public engagement efforts to help mitigate key issues impacting the protection and recovery of species at risk, and by increasing its knowledge of key audiences to help build effective public education programs and initiatives.

Conserving the Eastern Wolf in La Mauricie National Park

The eastern wolf (*Canis lupus lycaon*), which once ranged throughout all of eastern North America, owes much of its decline to loss of habitat and numerous extermination efforts. This wolf is now limited to the southern parts of Manitoba, Ontario and Quebec. In 2002, it was added to the List of Species at Risk under SARA.

At La Mauricie National Park in southern Quebec, the protection of eastern wolf packs that occur in the park is not assured, since they regularly travel outside the park boundaries where they are exposed to road traffic, hunting and trapping. Following an ecological study of the wolf in the park, and while launching an interpretation and communications program to interest local people in protecting the wolves, a social science specialist was called in to study the perspectives of local hunters, trappers, residents and park visitors regarding their perceptions, knowledge and attitudes towards the wolf. By the end of the study in 2008, the majority of study participants came to recognize the importance of maintaining wolf populations. Since the study process itself actively engaged interested citizens, it was found that they began to feel a sense of ownership and responsibility and wanted to be kept informed on the progress of eastern wolf management at the park. With clear, compelling messages tailored to the concerns of each group, Parks Canada is helping the eastern wolf survive in La Mauricie National Park, and beyond the park's borders.

7.3 Enforcement Activities

Enforcement activities under SARA include inspections to verify compliance, investigations of alleged violations, measures to compel compliance in place of formal court action and compliance through court action. Penalties for contraventions of the Act include liability for costs, fines, imprisonment, alternative measures agreements and forfeiture of proceeds from illegal activities.

7.3.1 Training and Designation of Enforcement Officers

Environment Canada's enforcement actions under SARA are carried out by trained and designated wildlife enforcement officers on federal lands. Listed species located outside of federal lands fall under the jurisdiction of the province or territory. In 2008, Environment Canada enhanced its enforcement capacity by hiring 28 new officers, giving it a total complement of more than 84 officers. An intensive six-week training course is offered to all new officers in advance of their designation and actual placement in the field. By the end of 2008, there were a total of 62 wildlife enforcement officers designated under SARA.

Fisheries and Oceans Canada's compliance and enforcement actions under SARA are carried out by fishery officers who have been trained and designated as enforcement officers under SARA. Fishery officers are supported by regional and national coordination for SARA enforcement activities and incorporate the SARA compliance program activities into their other duties under the *Fisheries Act* and other legislation and regulations.

In May 2007, as a result of a *Canada Labour Code*, Part II direction, park wardens within the Parks Canada Agency were removed from their law enforcement duties. To ensure that law enforcement capacity was still in place to deal with species at risk on lands and waters administered by the Agency, a partnership agreement was initiated with Environment Canada. Throughout 2008, the Parks Canada Agency continued to contribute to the development of interdepartmental species-at-risk processes and guidance documents regarding law enforcement and compliance.

On May 9, 2008, the Government of Canada announced improvements to law enforcement capacity in Canada's national parks and authorized the Parks Canada Agency to create up to 100 armed park warden positions. These park wardens are fully dedicated specialists in law enforcement. They are responsible for

enforcing all legislation related to Parks Canada's mandate, including the *Canada National Parks Act* and the *Species at Risk Act*. Park wardens began their duties under the new Parks Canada law enforcement program in May 2009.

7.3.2 Enforcement Tracking and Intelligence

Fisheries and Oceans Canada tracks enforcement activities through the Fisheries Enforcement Activity Tracking System. Fishery officers across Canada dedicated a total of 23 480 hours in 2008 to operational planning, patrols and inspections, investigations, court and other duties related to enforcing the prohibitions of SARA. Monitoring and patrolling occur as part of regular fishery officer duties as well as specifically targeting potential human threats to aquatic species at risk, such as fishing and eco-tourism (e.g., whale watching).

Fishery officers recorded a total of 150 occurrences for 2008 across Canada related to aquatic species at risk, resulting in a range of responses from inspections to investigations of suspected violations. An occurrence is defined as a reported or observed incident that is a potential violation of any law or regulation falling under the mandate of a Canadian fishery officer.

The Parks Canada Agency uses the Occurrence Tracking System to track compliance promotion and enforcement activities, which includes querying and reporting functions for species at risk. In 2008, the Parks Canada Agency continued to track this information.

Environment Canada's Wildlife Intelligence Program has been in existence for about 10 years. There are a total of five regional intelligence officer positions (one for each region), three national intelligence analyst positions and a national manager of intelligence position at headquarters. There is a distinction between the type of intelligence work performed in the regions and at headquarters. Regionally, intelligence officers are more involved in the collection of operational and tactical intelligence that supports both the investigations and inspections programs. The headquarters unit is more concerned with strategic intelligence and analysis in order to determine national and international trends.

Two major projects that will have an impact on the protection of SARA-listed species have been initiated: the Strategic Intelligence Project and the Space for Habitat Project.

Strategic Intelligence Project

The Strategic Intelligence project was designed to analyze regional enforcement activities to identify priorities under SARA and the other three acts that are enforced by Environment Canada, namely the *Migratory Birds Convention Act, 1994*, the *Canada Wildlife Act* and the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. As part of the first phase of the project, a questionnaire was developed and circulated to Environment Canada personnel in 2008. The questionnaire was intended to gather information in order to

- analyze current enforcement activities under the four acts in each region;
- identify engagement issues with key stakeholders;
- develop a clear understanding of conservation priorities (priorities related to SARA species will be developed to determine where enforcement efforts can be best employed);
- identify opportunities for more targeted engagement by Environment Canada and its key stakeholders; and
- recommend changes to Environment Canada's operations to facilitate more effective engagement in regional, national and international wildlife conservation and enforcement activities.

In future phases, the Intelligence section will compile and analyze responses to questionnaires and conduct additional consultations with key

stakeholders where necessary. The goal is to produce a strategic intelligence plan that will make recommendations on how resources can best focus on the most pressing enforcement issues related to SARA and the other three acts, and on strategic engagement opportunities.

Space for Habitat Project

Habitat degradation and loss are now prime causes of species decline, globally and in Canada. The Space for Habitat project recognizes the need to modernize wildlife monitoring and enforcement capabilities to address pressing federal habitat conservation issues. Space for Habitat Project partners aim to develop a system to monitor wildlife habitat in Canada supported by Earth Observation (EO) satellite technologies. EO methodologies and tools for monitoring wildlife habitat have the potential to significantly improve the efficiency and effectiveness of enforcement, research and management activities among a variety of government agencies, as well as private industry.

The Space for Habitat project aims to develop tools that can help federal and provincial governments and the forest industry to monitor changes in wildlife habitat in Canada, and to improve the understanding of the relationship between wildlife presence and habitat availability in support of improved conservation decision making. In 2008, the Intelligence Program initiated discussions with the Science and Technology Branch to begin working towards a strategy to use these existing technologies to support enforcement efforts, particularly in remote areas where attendance by a wildlife officer is challenging. This project will be crucial in protecting the critical habitat of species at risk listed under SARA.

7.3.3 Inspections

With respect to Environment Canada's implementation of SARA, Environment Canada's inspection efforts target areas where a positive conservation result is foreseeable. The development of a performance indicator to measure the success of these efforts is underway. Regulated communities subject to inspection for the protection of SARA-listed species may include possessors, breeders and artificial propagators of wildlife, businesses selling wildlife and wildlife products, the scientific community, zoos and permit holders. Human activities on federal lands could also have an impact on SARA-listed species and result in investigations and/or charges related to habitat destruction, illegal capture, poaching, removal from the wild or disturbances of residences and/or critical habitat.

Current inspection priorities under SARA include responding to third-party complaints and referrals, protecting critical habitat on federal lands, and investigating commercial activities where SARA species may be affected, such as incidental take of migratory birds (e.g., wind farm and airport fatalities). In 2008, there were no inspections arising from specific complaints or referrals (see Investigations section), seventeen inspections aimed at protecting critical habitat, and one inspection involving the impact of commercial activities on a SARA species. Altogether, a total of 150 inspections were carried out and they found 14 violations among that number.

Environment Canada's regional priorities and activities follow.

Atlantic Region

Wildlife officers in the Atlantic Region worked closely with Newfoundland conservation authorities in conducting SARA patrols along the southwest coast over a 16-day period in September 2008, leading to 123 inspections and eight warnings. In addition, Environment Canada staff in Newfoundland and Labrador educated ATV users on beaches (where ATV use is legally permitted) of the potential impact of their use on resident Piping Plover populations (*Charadrius melodus*), a species that is listed as endangered under SARA. In the three Maritime provinces, ATV use is prohibited on public beaches and a joint enforcement approach

with provincial authorities was taken. In 2008, a weekend blitz was also organized in southwestern Nova Scotia.

Quebec Region

Wildlife officers in the Quebec Region collaborated with provincial authorities in conducting patrols over a 19-day period to protect Piping Plover habitat on the Magdalene Islands. Officers responded to three complaints of vehicles in nesting areas but no charges were laid due to lack of sufficient proof. Quebec Region wildlife officers also focused on stepping up patrols in protected areas in or near urban centres where Piping Plover populations are located.

Ontario Region

In 2007, for the first recorded time since 1972, breeding pairs of Piping Plovers were observed nesting at Sauble Beach in Ontario. In 2008, Piping Plovers returned to Ontario with nesting activity being observed at Sauble Beach and Wasaga Beach Provincial Park. These sites are not considered federal lands, but in an effort to protect nests, the Ontario Region contributed significant resources towards the protection of Piping Plovers at these locations in 2008. Wildlife officers were deployed to these sites throughout the Canada Day long weekend to assist local volunteer organizations and conservation officers from Ontario Parks and Ontario Ministry of Natural Resources.

In 2008, the Ontario Region responded to reports from Parks Canada staff at two national parks, specifically Bruce Peninsula and Point Pelee. These reports related to the alleged taking of the eastern Massasauga rattlesnake (*Sistrurus catenatus*), a species listed as threatened under SARA, and map turtles (*Graptemys geographica*), which are listed as special concern. The rattlesnake matter was referred to the Ontario Ministry of Natural Resources after it was determined that the location of lands involved were not classed as federal lands, and were deemed to fall under provincial jurisdiction. Following a site visit, reports regarding the collection of map turtle eggs were documented for future intelligence value.

In 2008, the Ontario Region continued to patrol national wildlife areas in southwestern Ontario where known SARA species exist with the intent of monitoring and ensuring public compliance with Environment Canada legislation, including SARA. Of prime concern were the Lake St. Clair (including Big Creek) and Long Point national wildlife areas.

In 2008, the Ontario Region responded to one public complaint in the Ottawa area relating to the drainage of a marsh that reportedly impacted Blanding's turtles (*Emydoidea blandingii*), resulting in turtle deaths due to vehicular traffic along a nearby road. Upon closer inspection, the area in question was found to consist of both federal lands and areas under provincial jurisdiction. The complainant provided samples of expired turtles described as Blanding's turtles, but that were later identified as a non-SARA species.

Prairie and Northern Region

The Prairie and Northern Region works closely with the Department of National Defence to protect species at risk in the national wildlife area on CFB Suffield, and with other partners in national wildlife areas in the region, as well as on *Prairie Farm Rehabilitation Act* pastures. No inspections related to public complaints were undertaken.

Pacific and Yukon Region

The Pacific and Yukon Region reported approximately one public query per month but most of these did not require follow-up. Two complaints were received that resulted in investigations related to SARA species (see Section 7.3.4, Investigations).

7.3.4 Investigations

In 2008, Pacific Region fishery officers responded to several violations of white sturgeon poaching. A major northern abalone

poaching investigation was also underway. The Maritimes Region patrolled by air and sea to monitor the activities of the North Atlantic right whale in the Bay of Fundy; however, there was no conflict this year with the lobster fishery. Fishery officers also monitored activity in the Petite Rivière watershed area and spent considerable time on promotional activity to advise of the presence of Atlantic whitefish. Fishery officers continued to monitor any rivers in the Bay of Fundy inhabited by Inner Bay of Fundy salmon to provide promotional information on presence.

In 2008, Environment Canada initiated several investigations, as follows.

Ontario Region

The following precedent-setting case was successfully prosecuted in September 2008. A Toronto, Ontario resident pled guilty on September 10, 2008, in the Ontario Court of Justice in Sarnia on two counts of unlawfully possessing Blanding's turtles and a spotted turtle (Clemmys guttata), contrary to SARA. This is the first conviction under the *Species at Risk Act* in Ontario since it came into force on June 1, 2004.

The offender, who was apprehended with 26 live Blanding's turtles and one spotted turtle, was arrested on August 23, 2007, in a joint operation by officers from Environment Canada and the Ontario Ministry of Natural Resources, and was charged with the unlawful capture and unlawful possession of the turtles, which were taken from the waters of the Walpole Island First Nation. The offender was ordered to pay $10,000 to the Environmental Damages Fund and was given three years' probation.

The spotted turtle was already dead when seized, but the Blanding's turtles were returned to the wild by authorities. Both types of turtles are listed in Schedule 1 of SARA—the spotted turtle as endangered and the Blanding's turtle (Great Lakes/St. Lawrence population) as threatened. Spotted turtle numbers are declining, partly due to collection for the pet trade. Blanding's turtles are also desirable in the pet trade. Removal of individual turtles from the reproducing population is a severe risk to the survival of the species.

A second individual was charged by Environment Canada wildlife officers in the Ontario Region in this matter, but that prosecution was still before the courts at the end of 2008.

Pacific and Yukon Region

A complaint involving caribou on First Nations land was investigated but the investigation was subsequently closed, as it was determined that SARA legislation did not apply. Another complaint that led to an investigation involving damage to the residence of a Western Yellow-breasted Chat (*Icteria virens auricollis*), a species listed as endangered under SARA. The matter is not yet before the courts.

8 SPECIES AT RISK PUBLIC REGISTRY

The Species at Risk Public Registry fulfils the requirement under SARA for the Minister of the Environment to establish a public registry for the purpose of facilitating access to SARA-related documents. The Public Registry was developed as an online resource and has been accessible since the proclamation of SARA in 2003. In addition to providing access to documents and information related to the Act, the Public Registry provides a forum to submit comments on SARA-related documents being developed by the Government of Canada.

Section 123 of SARA identifies documents that must be published on the Public Registry, including

- regulations and orders made under the Act;
- agreements entered into under section 10 of the Act;
- COSEWIC's criteria for the classification of wildlife species;
- status reports on wildlife species that COSEWIC has prepared or has received with an application;
- the List of Wildlife Species at Risk;
- codes of practice, national standards or guidelines established under the Act;
- agreements and reports filed under section 111 or subsection 113(2) of the Act, or notices that these have been filed in court and are available to the public; and
- all reports made under sections 126 and 128 of the Act.

Other documents prepared in response to the requirements of SARA include recovery strategies, critical habitat statements, action plans, management plans, and reports on round table meetings.

Information in the Species at Risk Public Registry is maintained through the collaborative efforts of partners and stakeholders, and is an important tool in engaging and informing Canadians on species at risk issues.

In 2008, 229 documents were published on the registry. Documents included the SARA and COSEWIC annual reports, consultation documents, COSEWIC status reports and species assessments, ministerial response statements, recovery strategies, management plans, species profiles and permit explanations. Also posted was the response of the Minister of the Environment to the Round Table on the *Species at Risk Act*, which presents the Minister's response to the recommendations of the First Round Table on the *Species at Risk Act* (SARA), held in December 2006. Two of the most popular areas of the site for 2008 include text of the Act and the List of Wildlife Species at Risk.

Despite a reduction in the number of documents published in 2008 compared with previous years, monthly visits for 2008 were strong (see Figure 2).

Efforts in 2008 also focused on the production of email bulletins to provide updates to Public Registry subscribers: please visit the Species at Risk Public Registry to subscribe to the distribution list, at https://www.registrelep-sararegistry.gc.ca/default_e.cfm.

Figure 2: Average Monthly Visits, by Year